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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JONATHAN WATKINS,

Plaintiff,

v.

JAMES COX, et al.,

Defendants.

Case No. 2:04-CV-00849-KJD-GWF

ORDER

Currently before the Court is Petitioner's Objection to Magistrate's Order Regarding Motion to Extend Time (#76). On October 23, 2007, Counsel for the Petitioner filed her first Motion to Extend Time (#68), seeking an extension of time to complete discovery and to file a reply. The Motion was granted on November 2, 2007, (#69), extending the deadline to complete discovery until November 13, 2007, and the deadline to file a reply until December 28, 2007. On December 28, 2007, Counsel for the Petitioner filed a Second Motion to Extend Time to File a Reply. The Court granted Petitioner's Motion, extending the deadline in which Petitioner could file a reply to January 28, 2008, (#71). On February 2, 2008, Counsel for the Petitioner filed a Motion to Late File, and Extend Time (#72), explaining *inter alia* that Counsel had been unable to file a Reply due to computer problems caused by a loss of electrical power at her office, the scheduling of another hearing, and because she had suffered from a bout with influenza. On March 11, 2008, the Court granted Petitioner's Motion, extending the deadline for Petitioner to file a Reply to March 14, 2008, and indicating that no further extensions would be granted (#73).

On March 14, 2008, Counsel for the Petitioner filed a fourth Motion to Extend Time (#74), seeking another extension of time to file a reply due to a car accident Counsel suffered on February 12, 2008. On March 18, Magistrate Judge Foley issued an Order denying Petitioner's Motion for an

1 extension of time, citing the Court's previous Order indicating that no further extensions would be
2 granted. On March 28, 2008, Petitioner filed an Objection to the Magistrate's Order (#76).
3 Petitioner's Objection contends that the Magistrate Judge's ruling was an abuse of discretion. (See
4 Petitioner's Objection at 4.)

5 The Court has considered the Petitioner's Objection together with the Magistrate's ruling, and
6 finds that the Magistrate Judge did not abuse his discretion in denying Petitioner's Motion for an
7 Extension of Time. Petitioner has been granted three previous extensions, and in spite of the alleged
8 car accident, her busy schedule with other clients, and bout with influenza, the Court finds that
9 Counsel for the petitioner had ample time in which to file a Reply. Of note, Counsel had several
10 weeks in which to prepare a reply following her car accident on February 12, 2008. Furthermore,
11 the Court is not persuaded by Counsel's argument that she has been unable to recover from influenza
12 suffered in December, because Counsel's prior Motion for Extension (#72), indicates that she had
13 made a recovery from the flu. (Petitioner's Mot. For ext. #72 at 2.)

14 Therefore, the Court upholds its previous ruling that no further extensions would be granted.
15 The Magistrate's Ruling (#75) is upheld.

16 Therefore, **IT IS HEREBY ORDERED** that the Petitioner's Objection to Magistrate's Order
17 Regarding Motion to Extend Time (#76) is **DENIED**.

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19 DATED this 10th day of April 2008.

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22 _____
23 Kent J. Dawson
24 United States District Judge
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